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REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 7, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, June 7, 2004, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36193-010603 adopted by Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----5.

ABSENT: None-----0.

(Council Members Alfred T. Dowe, Jr., and Beverly T. Fitzpatrick, Jr., arrived late.)

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to §2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

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AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

Dr. Cutler requested information on the reallocation of greenway money; whereupon, the City Manager advised that the capital project was originally misnamed; the intent several years ago when the City committed to support a \$2 million greenway effort over ten years was not specifically related to the Roanoke River Greenway, which is intended to be funded under the Roanoke River Flood Reduction Project; City staff is attempting to correct the fact that the City has several years of allocations of funds toward greenways that cannot be spent because the funds have the designation Roanoke River, and a report is included on the 2:00 p.m. docket to appropriate next year's allocation of \$200,000.00. She stated that efforts are underway to accelerate as much of the greenway development as possible and it is anticipated that the Lick Run Greenway will be completed over the next 12 months.

The City Manager was requested to comment on the status of the Lick Run Greenway; whereupon, she advised that efforts continue to obtain a signed document from one of the two property owners through which an easement is needed between Orange Avenue and the street that runs to the rear of the Civic Center; once easements are secured, the City will contact the Virginia Department of Transportation for permission to use the area that is within an area designated for future acquisition for road improvements, following which construction will proceed. She stated that the plan is to go all the way to The Hotel Roanoke, cross at The Hotel Roanoke over to the O. Winston Link Museum, with some minor enhancements/improvements to the rear of the Civic Center entrance which is intended to encourage Civic Center patrons to park downtown and walk between downtown Roanoke and the Civic Center.

Council Member Dowe entered the meeting.

In connection with Civic Center rear entrance enhancements, Council Member Bestpitch inquired if a fence or guardrail will be erected along the walking path for pedestrian safety purposes; whereupon, the City Manager advised that City staff will prepare specific designs/cost estimates for review by Council.

Council Member Cutler presented copy of a newsletter prepared by the Western Virginia Land Trust entitled, "Saving Your Land and Water; Carvins Cove Watershed of Catawba Valley", which includes case histories of families living in Catawba Valley and the upper Tinker Creek area, with regard to their efforts to protect the watershed. He commended Michael McEvoy, Director of Utilities, for his assistance in working with the Western Virginia Land Trust on the newsletter which will be mailed to every resident of Catawba Valley and the upper Tinker Creek area.

The Mayor referred to unsuccessful efforts by the City with the Virginia Department of Transportation to clean up the major intersections to the City from I-581 and inquired as to what action, if any, the City can take to address the matter. The City Manager responded that a strongly worded letter could be forwarded on behalf of the Council to the Virginia Department of Transportation; however, absent VDOT's moving forward, City forces could clear the property which will most likely then become a responsibility of the City to do on a regular basis in the future. She added that another course of action would be to request the Sheriff to assign City Jail inmate crews to the intersections.

In a further discussion of the matter, the City Manager referred to experimental treatments that have been applied by City crews at various locations to test a particular type of growth retardant that provides for slower growing ground cover which, if successful, will help to keep down some of the maintenance costs. She advised that the growth retardant could be priced for use at specific City/I-581 intersections; a cost estimate could be prepared for City crews to clear the intersections, and/or the cost for City Jail inmates to clear the intersections with materials to be supplied by the City.

The Mayor stated that litter which accumulates in ditches is also a problem because of the inability of volunteers to reach the area.

Dr. Cutler called attention to an alley that is in need of clean up which is located between the new ambulatory surgery center on Jefferson Street and Albemarle Avenue in the vicinity of the Getty Convenience Store.

Council Member Cutler referred to the condition of the roof on the former Virginian Railway Station and the need for repairs before further deterioration occurs; whereupon, the City Manager advised that the property is in the ownership of the Railroad Historic Preservation Society awaiting grant funds.

Upon request by the Mayor, the City Manager presented information on City of Roanoke recommended funding for arts and cultural organizations as compared to the amount of funding that Roanoke County is providing to the same organizations. She stated that the bulk of Roanoke County's funding is devoted to Explore Park since the County has taken over operation of the facility.

Council Member Fitzpatrick entered the meeting.

There was discussion in regard to a request of the Virginia Museum of Transportation for an additional \$20,000.00 of support from the City for fiscal year 2005; the benefit of the Harrison Museum of African American Culture to the citizens of Roanoke since staffing levels and hours of operation have been decreased; and the status of the Northwest Neighborhood Environmental Organization (NNEO) 5th Street Gateway Project.

The City Manager advised that a meeting is scheduled in the near future with City staff and the Blue Ridge Housing Development Corporation to discuss the NNEO project at which time staff will discuss operational concerns expressed by Council regarding the Harrison Museum. She stated that if Council wishes to act on the fiscal year 2005 funding recommendations of the Roanoke Arts Commission at its 2:00 pm. session, the Harrison Museum appropriation could be deleted or Council could direct that the funds be held in abeyance until clarification is received from Harrison Museum officials.

The Mayor spoke in support of appropriating an additional \$1,500.00-\$2,000.00 for fiscal year 2005 to Explore Park as a symbolic gesture toward the day when Explore Park might become a more localized venue and the City could conceivably play a role in the decision making process relating to the Park.

Mr. Fitzpatrick addressed the need to look at a more policy-oriented approach to arts and cultural organizations and determine which organizations provide the most benefit to the economy of the City of Roanoke and the Roanoke Valley region through economic multipliers.

It was the consensus of Council that funding for the Harrison Museum of African American Culture will be deleted from the fiscal year 2005 funding recommendations of the Roanoke Arts Commission pending additional information to be provided by the City Manager pursuant to the above discussion.

TOPICS FOR DISCUSSION:

COUNCIL LIAISON COMMITTEE REPORTS:

Vice-Mayor Harris, Council's liaison to the Roanoke Redevelopment and Housing Authority, advised that the Housing Authority will continue to provide monthly updates on projects, programs, etc. Unless otherwise directed by the Council, he stated that the monthly breakfast meetings attended by Housing Authority/City staffs, the Chair of the Housing Authority, Council's liaison to the Housing Authority, and Members of Council on a rotating basis, will continue as a means of sharing information.

Council Member Cutler advised that pursuant to discussions by Council with regard to Council Members serving in liaison roles on various committees, he will no longer serve as Council liaison to the Mill Mountain Zoo, the Mill Mountain Advisory Committee, and the Roanoke Arts Commission on July 1; whereupon, the City Manager advised that depending on Council's action after July 1, 2004, City staff assigned to work with the various committees will provide Council with periodic and more indepth updates.

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There was discussion with regard to the City's appointments to the Roanoke Valley Allegheny Regional Commission; whereupon, it was noted that the City appoints six persons to the Commission, three of which must be filled by an elected official. It was also noted that according to the by-laws, the City's representative to the Roanoke Valley Metropolitan Planning Organization must be filled by an elected official; whereupon, Council Member Cutler expressed an interest in serving.

Because of the City's investment in the Roanoke Regional Airport, the Mayor encouraged Council to consider the same process for appointing members to the Airport Commission that is used for appointments to the Roanoke City School Board, Board of Zoning Appeals, Architectural Review Board, Industrial Development Authority and Roanoke Redevelopment and Housing Authority; i.e.: a formal application/interview process.

The City Manager concurred in and expanded on the Mayor's remarks and advised that in order to build relationships, it would be advantageous to hold at least one annual joint meeting of the Council and the Roanoke Regional Airport Commission.

The City Manager was requested to report on discussions with Landor Associates on the City's branding activities to date; whereupon, she advised that three tag lines have been suggested, legal review has been completed and Landor Associates is prepared to move to the next phase by taking the three tag lines to focus groups, an analysis will be presented to Council, and the new brand has been rolled out to the community with positive reactions.

PROPOSED AGENDA ITEMS FOR THE JOINT MEETING OF COUNCIL AND THE ROANOKE CITY SCHOOL BOARD ON JULY 6, 2004:

Vice-Mayor Harris advised that a joint meeting of Council and the Roanoke City School Board will be held on Tuesday, July 6, 2004, at 9:00 a.m., at the Roanoke Higher Education Center, and the majority of the meeting will be devoted to a report by the School Safety/Discipline Task Force.

At 10:20 a.m., the Council meeting was declared in recess for one Closed session to be held in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building, to discuss performance evaluations of two Council-Appointed Officers.

The Council meeting reconvened at 11:55 a.m., in Room 159, Noel C. Taylor Municipal Building, with all Members of the Council in attendance, Mayor Smith presiding.

BRIEFINGS:

2003 Citizen Survey:

The City Manager advised that the 2003 City of Roanoke Citizen Survey focused on customer satisfaction levels and the issue of customer service generally; results of the survey can be used to assist the City in trying to be more responsive with respect to delivery of service; previous survey results have helped to guide the City to place limited resources in the right areas, and to aid in consistency of comparing survey results from one year to the next because many questions are the same or similar in nature. She stated that it is believed that the best way to judge the City of Roanoke is to judge from year to year or to judge the trends that occur over multiple years; in addition to asking citizens to rate the quality of each of the many varied City services, the survey instrument also asked citizens to rate the importance of the particular service to them; and respondents were asked to answer what is the single most important thing the City should be doing at the present time. Ms. Burcham introduced Susan Willis-Walton, Co-Director, Virginia Tech Center for Survey Results, to present the briefing.

Ms. Willis-Walton presented the following highlights of the survey:

- City Services That Continue to Maintain a High Satisfaction Rating (80 per cent or greater):
 - Fire protection services (95.1 per cent)
 - 911 Emergency Call Center (94.1 per cent)
 - Emergency and rescue services (93.0 per cent)
 - Public library services (92.6 per cent)
 - Weekly trash collection (84.6 per cent)
 - Water utility serves (84.4 per cent)
 - Health Department (82.2 per cent)
 - Mowing of City parks (81.9 per cent)
 - Management of emergency situations (81.8 per cent)
 - Sewer utility services (81.6 per cent)
 - Valley Metro bus services (80.4 per cent)

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- City Services With At Least A Five Position Rank Order Increase Since 2002:

Health Department (from 12th to 6th)
Water utility services (from 37th to 8th)
Valley Metro bus services (from 14th to 9th)
Street lighting (from 33rd to 26th)
Getting information to citizens (from 35th to 30th)

- City Services With At Least A Five Position Rank Order Decrease Since 2002:

Recycling service (from 10th to 17th)
Quality of Civic Center cultural events (from 17th to 22nd)
Building permit application/review (from 22nd to 29th)
Maintenance of storm drainage systems (from 24th to 35th)
Economic development assistance (from 29th to 37th)
Street paving, maintenance and repair (from 41st to 46th)

- Services With Most Discrepant Importance Versus Quality Ratings:

Mowing of City parks – low importance/high quality
Response to citizen complaints and requests – high importance/low quality
Street paving, maintenance and repair – high importance/low quality
Valley Metro bus services – low importance/high quality

- Citizen Opinions On Most Important Need for City Now:

More beautification/maintenance: roads, housing, sidewalks, parks and storm drainage systems (37)

More employment opportunities in Roanoke (37)

Increased funding for schools/education (35)

Better functioning government: cooperation, allocation of funds, and decision-making process (30)

More economic development and expansion (28)

Water services and availability (25)

More police and patrol of high crime areas (22)

More assistance programs for needy individuals (21)

- Citizen Agreement on Roanoke Strategic Issue/New Project Survey Items 2003:

How much do you agree with the idea of the City of Roanoke joining with Roanoke County to develop a water and sewer authority (strongly and somewhat agree)

2000 – NA 2001 – NA 2002 – NA 2003 – 88.6

How much would you agree with this joint water and sewer authority if it means that your water and sewer bills will be increased? (strongly and somewhat agree)

2000 – NA 2001 – NA 2002 – NA 2003 – 65.2

The services provided by the City of Roanoke are worth the taxes paid by citizens. (strongly and somewhat agree)

2000 – 6.8 2001 – 75.1 2002 – 70.3 2003 – 69.7

How would you rate the effectiveness of the City of Roanoke government in meeting community needs? (very and somewhat effective)

2000 – 79.4 2001 – 80.4 2002 – 74.3 2003 – 68.8

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Roanoke is actively expanding cooperative efforts with other local governments in our region. (Strongly and somewhat agree)

2000 – 58.9 2001 – 71.1 2001 – 53.7 2003 – 64.0

City government performance is improving in Roanoke. (strongly and somewhat agree)

2000 – 72.9 2001 75.9 2002 – 63.1 2003 – 61.5

The City Manager reviewed the following Action Plans:

- Street Paving/Maintenance:

A “Right of Way Excavation and Restoration Standard” is in the final stages of development which will provide an enhanced level of inspection and an improved standard of repair for over 2,000 utility cuts made annually.

A specialized pothole patching truck has been deployed that will improve the repair process which has the capability to keep asphalt hot that will allow patching to take place over a greater portion of the year.

The Division will continue working to meet its goal of paving 57 lane miles per year; however, the increasing cost of asphalt and milling will make this challenging.

Staff will continue to investigate alternative pavement maintenance methods, such as crack sealing and slurry sealing.

- Maintenance of Storm Drainage Systems:

Evaluate implementation of a “storm water utility” fee to provide a dedicated revenue resource to address the \$52 million backlog of storm drain system needs.

- Economic Development Assistance to Business:

Participate in a regional low-interest loan pool, the Grow America Fund administered by the National Development Council, that will provide another tool to assist small businesses needing financing.

Increase the number of local businesses visited each year and continue to maintain contact through the business breakfasts.

Identify a key business issue needing to be addressed through a focus group process.

- Improving Civic Center Cultural Events:

The planned expansion of the Civic Center Exhibit Hall and Auditorium will be an impetus for not only improving the quality of cultural programs, but other events as well.

Improved partnership with JAM Theatricals has resulted in a greatly improved product, and the quality of shows has expanded the appeal to many diverse groups.

Become more proactive in seeking non-traditional business:

Researching opportunities in markets that were once overlooked.
 Researching shows that will reach more diversified audiences.
 Working with The Hotel Roanoke and the Convention and Visitors Bureau to bring in more convention businesses.
 Working to host more trade association events.
 Identifying more outside events for the parking lot and plaza.

- Response to Citizen Complaints and Requests:

Restructure the Citizen Service Center to improve overall responsiveness to citizens which will include:

Relocating the staff from the lobby to the first floor of the Municipal Building.

Routing calls for solid waste service to staff dedicated to answering those issues.

Routing calls for nuisance code enforcement to staff dedicated to resolving those issues.

Directing all other calls to the Municipal Lobby receptionist for response and routing.

- Response to Citizen Complaints and Requests:

“Welcome Roanoke” program will:

Distribute basic information on City services, cultural activities, and entertainment

Encourage participation in neighborhood organizations.

- City Government Performance is Improving in Roanoke:

Increase involvement of the citizens in decision-making.

City departments will survey their specific customers to aid in process improvements. (Departments include General Services, Parks and Recreation, Social Services, Libraries, Fire, Police, and the Development Assistance Center.)

Virginia Tech will tailor future citizens surveys to focus more on those services that impact most citizens on a daily basis.

Continue to implement neighborhood plans to address identified needs.

The City will continue to provide information about City services, activities, and events through the media, public information, internally and through publications.

- City Government Performance is Improving in Roanoke:

The City will continue a multi-year plan to build capital maintenance funding in the operating budget for:

Vehicle and equipment replacement
 Building maintenance
 Street paving
 Technology

Question was raised with regard to how to address the sense of competition that exists between the Mill Mountain Theatre and the Roanoke Civic Center; whereupon, the City Manager advised that the issue relates to the ability of the Mill Mountain Theatre to book certain plays which are held for a year or longer by various theatrical companies, and, in effect, the Mill Mountain Theatre is locked out of contracting for the performance if the same theatre production has been booked at the Roanoke Civic Center. She stated that early discussion is needed between Civic Center staff and Mill Mountain Theatre officials with regard to the plays that both entities intend to secure. She mentioned the possibility of holding a one to two night showing of a production which could be followed for a longer production time at the Mill Mountain Theatre, that would allow for one event to be the teaser and the other to be the longer running performance. She stated that these are the kinds of conversations that need to take place.

Council Member Fitzpatrick encouraged the scheduling of a meeting as soon as possible with Mill Mountain Theatre officials, City staff, and the incoming Mayor and Vice-Mayor to discuss the lockout issue and scheduling concerns.

The Mayor called attention to the need for better marketing of events to be held at the Roanoke Civic Center via the electronic bill board signs.

Council Member Bestpitch encouraged the use of Elmwood Park by Mill Mountain Theatre for outdoor productions which have proven to be successful fund raising activities for other organizations.

Council Member Dowe mentioned the opportunity to partner with other local jurisdictions, i.e.: if a Roanoke Valley locality is hosting a sporting event, etc., the City of Roanoke could offer a package activity that would include a theatre/dinner event, etc.

At 1:50 p.m., the meeting was declared in recess to be reconvened at 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, June 7, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith-----5.

ABSENT: Council Member Linda F. Wyatt and Vice-Mayor C. Nelson Harris-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Maurita Wiggins, Pastor, Valley Community Church Divine Science.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-HOUSING/AUTHORITY: The Mayor presented a proclamation declaring the month of June 2004, as Homeownership Month.

PROCLAMATIONS: The Mayor presented a proclamation declaring June 19, 2004, as Juneteenth Festival Day.

ACTS OF ACKNOWLEDGEMENT: The Mayor presented a Star Award to Mr. and Mrs. Robert Morris, owners, Roy L. Webber Florist, in recognition of many years of outstanding service to the Roanoke community.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item will be removed from the Consent Agenda and considered separately.

OATHS OF OFFICE-HUMAN DEVELOPMENT-COMMITTEES: A communication from Kirk A. Ludwig tendering his resignation as a member of the Human Services Advisory Board, was before Council.

Mr. Fitzpatrick moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-WATER RESOURCES: The following reports of qualification were before Council:

Darlene L. Burcham for a term commencing March 2, 2004 and ending March 1, 2007; and Robert C. Lawson for a term commencing March 2, 2004 and ending March 1, 2008, as members of the Board of Directors, Western Virginia Water Authority.

Gregory M. Cupka as a Commissioner of the Roanoke Redevelopment and Housing Authority to fill the unexpired term of Joseph F. Lynn, resigned, ending August 31, 2007.

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Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

BUDGET-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that the Roanoke Arts Commission Agency Funding Advisory Committee budget, in the amount of \$328,932.00, was established by Council with adoption of the General Fund budget for fiscal year 2004-2005; the total represents an increase in funding of \$6,450.00, or two per cent for the Committee as recommended to Council in February 2004; requests from 19 agencies, totaling \$570,500.00, were received; committee members studied each application prior to an allocation meeting which was held on April 6, 2004; agencies were notified of tentative allocations and advised that they could appeal the recommendations, with two appeals having been filed.

The City Manager recommended that Council authorize the transfer of \$328,932.00 from the Roanoke Arts Commission Agency Funding Advisory Committee, Account No. 001-310-5221-3700, to new line items to be established within the Roanoke Arts Commission Agency Funding Advisory Committee budget by the Director of Finance for fiscal year 2004-2005.

Pursuant to discussion by Council during its 9:00 a.m., work session, Council Member Cutler moved that the \$26,750.00 appropriation for the Harrison Museum of African America Culture be deleted from the ordinance, pending additional information to be provided by the City Manager. The motion was seconded by Mr. Dowe and unanimously adopted.

Mr. Fitzpatrick offered the following budget ordinance with deletion of the line item pertaining to the \$26,750.00 appropriation for the Harrison Museum of African America Culture:

(#36705-060704) AN ORDINANCE to appropriate funds to specific Art Commission agencies, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 487.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36705-060704, as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

AYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

Council Member Fitzpatrick advised that he serves on the Board of Directors, Commonwealth Coach and Trolley Museum, which is recommended for funding in the amount of \$1,600.00; however, he receives no remuneration for his service.

BUDGET-Y. M. C. A.-GREENWAY SYSTEM: The City Manager submitted a communication advising that on June 18, 2001, Council adopted the 2002-2006 Capital Improvement Program (CIP); the approved CIP included funding for the Downtown Family YMCA and Roanoke River Greenway projects; beginning in fiscal year 2002, the City committed to a \$2.0 million investment, to be paid in \$200,000.00 increments over a ten-year period to the Downtown Family YMCA; funds are available to cover costs associated with the design and construction of a new central branch YMCA complex; and City residents will receive a discounted membership rate, which will allow them to visit any YMCA facility including the facility in the City of Salem.

It was explained that beginning in fiscal year 2002, the City also committed to contributing \$200,000.00 per year for ten years, for a total of \$2.0 million, to the Roanoke River Greenway project and greenway development; greenways have become a necessary commodity for communities across the United States since they are viewed as an essential amenity that encourages economic development; greenways connect people to various aspects of a community such as parks, shops, schools and neighborhoods; Roanoke currently has several greenway projects underway in various stages of development, with a core design element to include connections to Roanoke's primary greenway artery, the Roanoke River Greenway; and at this point, it would be more advantageous to reallocate remaining funding from previous allocations and planned subsequent allocations for general greenway development.

The City Manager noted that Council approved an update to the CIP for fiscal years 2005–2009 on May 13, 2004, and an appropriation of \$200,000.00 for each project in capital fund interest is required in order to meet the City's obligation for fiscal year 2005.

The City Manager recommended that Council appropriate \$200,000.00 from capital fund interest earnings (008–3325) to the Downtown Family YMCA Account No. 008–620–9757–9003; transfer funding in the amount of \$193,195.00 from Account No. 008–530–9756–9003 to an account to be established by the Director of Finance entitled, Greenways Development; appropriate \$200,000.00 from capital fund interest earnings (008–3325) to an account to be established by the Director of Finance entitled, Greenways Development; and reauthorize subsequent contributions for greenways to be appropriated to general greenway development.

Mr. Dowe offered the following budget ordinance:

(#33706–060704) AN ORDINANCE to appropriate funding from Capital Projects Fund Interest Earnings for the YMCA Aquatic Center and the Greenway Development Projects, amending and reordaining certain sections of the 2003–2004 General and Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 489.)

Mr. Dowe moved the adoption of Ordinance No. 36706-060704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

Mr. Dowe offered the following resolution:

(#36707-060704) A RESOLUTION finding that it is in the best interest of the City to reauthorize previous and subsequent contributions for the Roanoke River Greenway project to general greenway development.

(For full text of Resolution, see Resolution Book No. 68, Page 490.)

Mr. Dowe moved the adoption of Resolution No. 36707-060704. The motion was seconded by Mr. Bestpitch.

Council Member Bestpitch advised that his spouse is employed by the Downtown Family YMCA and inquired if he should abstain from voting on the resolution; whereupon, the City Attorney advised that there is no conflict of interest.

Resolution No. 36707-060704 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

POLICE DEPARTMENT-DOWNTOWN ROANOKE, INCORPORATED: The City Manager submitted a communication advising that the Roanoke Police Department's Mounted Patrol Unit was established in September 1993, in partnership with Downtown Roanoke, Inc. (DRI), which formed a separate not-for-profit tax exempt organization, Roanoke Foundation for Downtown, Inc., to assist DRI in raising funds for the Police Mounted Patrol Unit; and through a five year agreement and a subsequent one-year agreement, which was renewed for two additional one-year periods, DRI has provided financial assistance through fund raising efforts and established relationships with a variety of local vendors and suppliers, many of whom provide services and supplies as in-kind donations, or at reduced prices, through DRI for the Mounted Patrol.

It was further advised that at the end of the subsequent agreement, the City of Roanoke and DRI entered into a new agreement commencing in September 2001, with the option to renew for two additional one-year periods, in which the City of Roanoke would provide \$15,000.00 per year to the Foundation to be used for the benefit of the Mounted Patrol, which agreement will terminate on June 30, 2004.

The City Manager advised that the Foundation plans to continue to raise funds and seek donations of goods and services to assist with the needs of the Mounted Patrol Unit; continued funding by the City is also needed to cover the cost of equipment, goods and services to the Unit to the extent that such items are not donated; an agreement between the City of Roanoke and the Foundation provides for annual funding of \$17,500.00; term of the agreement is for a period of one year from July 1, 2004 through June 30, 2005, with the option to renew for two additional one-year periods; the agreement requires the City to indemnify the Foundation if City employees or agents are found guilty of negligent or intentional acts with respect to the agreement; funding for the donation of \$17,500.00 is provided in the fiscal year 2005 annual budget, Account No. 001-300-7220-3696; and the Foundation will pay all mounted patrol expenses as submitted by the City, excluding salaries and benefits of police officers and ordinary police equipment and uniforms, and comply with the City's procurement procedures.

The City Manager recommended that she be authorized to execute an agreement with the Roanoke Foundation for Downtown, Inc., approved as to form by the City Attorney, within the limits of funds set forth in the communication and for the purposes as set forth in the communication.

Mr. Cutler offered the following resolution:

(#36708-060704) A RESOLUTION authorizing an agreement with Roanoke Foundation for Downtown, Inc., for funding to be used for the benefit of the Mounted Patrol Unit of the Police Department.

(For full text of Resolution, see Resolution Book No. 68, Page 491.)

Mr. Cutler moved the adoption of Resolution No. 36708-060704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

Council Member Fitzpatrick advised that he serves on the Board of Directors, Roanoke Foundation for Downtown, Inc., in which capacity he receives no remuneration for his service.

CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as part of the annual budget adopted by Council on May 13, 2004, the Memberships and Affiliations budget included funding of \$541,440.00 specifically designated for the RVCVB; and an additional \$306,000.00 is designated in the annual budget for marketing efforts that will go to the RVCVB, subject to an adjustment provision as set forth in the agreement.

It was further advised that the City has negotiated a one-year agreement, commencing July 1, 2004, with the RVCVB detailing the use of funds; the agreement provides for the same number of City of Roanoke representatives on the RVCVB Board of Directors as last year; and contains a mutual indemnity clause in paragraph 9, which requires approval by Council; and the RVCVB submitted a detailed report listing accomplishments through April 2004, and an annual budget and work plan for 2004-2005 will be submitted to the City Manager for review and approval, upon approval by the RVCVB Board of Directors.

The City Manager recommended that she be authorized to execute an agreement, in the amount of \$847,440.00, with the Roanoke Valley Convention Visitors Bureau, in a form to be approved by the City Attorney, for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism, and authorizing the Director of Finance to make the above referenced adjustment to the Agreement.

Mr. Dowe offered the following resolution:

(#36709-060704) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 68, Page 492.)

Mr. Dowe moved the adoption of Resolution No. 36709-060704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

Council Member Fitzpatrick advised that he serves on the Board of Directors, Roanoke Valley Convention and Visitors Bureau, in which capacity he receives no remuneration for his service.

CITY CODE-CITY EMPLOYEES: The City Manager and the Director of Finance submitted a joint communication advising that City employees accrue monthly paid leave or vacation, depending upon the leave plan in which they participate; policies allow for up to 288 hours of paid leave, or 240 hours of vacation leave and 24 hours holiday leave to be carried forward from one fiscal year to another; and the City Code currently stipulates June 30 as the date by which employees must use paid leave, vacation, or holiday time to avoid loss of such leave balances in excess of the maximum carryover amounts.

It was further advised that the City's payroll processing software reduces balances to maximum carryover amounts during payroll processing of the first payroll in July; and because June 30 does not normally coincide with the end of a payroll cycle, significant resources are utilized each year in adjusting leave balances to accommodate the use of a June 30 carryover date, rather than an annual leave cutoff date which corresponds to the end of a pay period.

It was explained that efficiencies may be gained throughout the organization in handling the leave carryover policy if the annual leave cutoff date is changed to correspond with the end of the payroll period that coincides with the first payday in July, instead of using the constant date of June 30; in the current fiscal year, the proposed policy change will allow employees until July 5 to use paid leave, vacation, or holiday hours in excess of carryover amounts to avoid losing such excess balances; in some years, the cutoff date for the first payday in July will fall within the last few days of June, but in every year, employees will be granted 26 pay periods in which to use leave; and in every year, the cutoff date will coincide with the end of a payroll period and will be well communicated to employees through various means such as the weekly electronic newsletter, the *City Corner*, and Human Resources contacts who represent each department.

Ms. Burcham and Mr. Hall advised that City departments were polled regarding the proposed change in policy, and favorable feedback was consistently received by those who responded; estimated savings from the change in policy exceeds 200 hours annually, City-wide; and changing the policy also reduces the risk of error of leave balances due to reduction of manual intervention in maintenance of the balances; one time exception to the amount of holiday leave carry forward is also recommended for this year only, since the last day of the pay period, July 5, is a holiday, which will allow all employees to carry forward 32 hours of holiday time instead of the 24 hours typically allowed.

The City Manager and the Director of Finance recommended that Council adopt an ordinance to amend the City Code to redefine the annual leave cutoff from June 30 to the end of the pay period that coincides with the first payday in July, which will be the date by which employees need to use paid leave, vacation, or holiday balances before they are reduced to maximum carryover amounts.

Mr. Cutler offered the following ordinance:

(#36710-060704) AN ORDINANCE amending subsection (c) of §2-37, Office hours, work weeks and holidays, of Division 1, Generally, §2-48, Applicability, and subsection (g) of §2-49, Vacation leave, of Division 2, Vacation Leave and Sick Leave, amending §2-53, Applicability; eligibility to elect coverage, by the addition of new subsections (b), (c) and (e), and amending subsections (b), (e) and (f) of §2-54, Paid leave, of Division 3, Paid Leave and Extended Illness Leave, of Article III, Officers and Employees, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended, by changing the leave accumulation date for the fiscal year to the cutoff date of the pay period for the first July pay day in each year; establishing and defining a time by which employee leave must be used prior to the annual carryover of leave time limits being calculated which normally would be June 30 of each fiscal year; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 493.)

Mr. Cutler moved the adoption of Ordinance No. 36710-060704. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

ZONING-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that previously, Council was briefed on a conceptual plan that was developed by urban design firm, The Lawrence Group, which would provide for development of an 11 acre tract of land in the Roanoke Centre for Industry and Technology (RCIT), located at the northeast corner of Blue Hills Drive and Orange Avenue, for a range of commercial uses that would take advantage of the visibility and access provided by Orange Avenue and complement and support the existing light industrial development in the Centre.

It was further advised that in order to move the conceptual plan forward, a petition has been prepared which requests the rezoning of the property from its current LM, Light Manufacturing District, zoning designation to C-2, General Commercial District, subject to certain proffered conditions; proffers include limitations on the range of permitted commercial uses, prohibition of access directly from Orange Avenue and limitations on freestanding signage; and in addition, the property is governed by a set of restrictive covenants of RCIT which address other site development issues such as location of on-site parking, placement of buildings and landscaping of the site.

The City Manager recommended that she be authorized to file a petition to rezone property located at the northeast corner of Blue Hills Drive and Orange Avenue, N. E., identified as Official Tax No. 7160113, from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions as set forth in the petition for rezoning.

Mr. Dowe offered the following resolution:

(#36711-060704) A RESOLUTION authorizing the filing of a petition to rezone property which is owned by the City of Roanoke and which is designated as Official Tax No. 7160113, subject to certain proffers.

(For full text of Resolution, see Resolution Book No. 68, Page 498.)

Mr. Dowe moved the adoption of Resolution No. 36711-060704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

CITY TREASURER-TAXES: The City Treasurer reported that as of May 31, 2004, \$15.6 million was collected by the City Treasurer's Office representing personal property tax payments.

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DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of April 2004.

(For full text, see report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Financial Report for the month of April 2004 would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS:

ZONING: Council having held a public hearing on Monday, May 20, 2004, on a request of Fudds of S. W. VA, Inc., to rezone property located at 3659 Orange Avenue, N. E., Official Tax No. 7110122, from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner as contained in the petitioner's Fifth Amended Petition filed on April 12, 2004, and following the public hearing, Council referred the matter to City Planning staff to address additional proffers submitted by the petitioner, the matter was again before the body.

R. Brian Townsend, Director, Planning, Building and Development, presented a report advising that since Council's action to refer the matter to staff, the petitioner has developed a modified set of proffered conditions contained in a Sixth Amended Petition which was filed in the City Clerk's Office on June 1, 2004, as follows:

1. The property shall be used only for the following uses:

Permitted Uses:

- 1) Dwellings located above ground floor nonresidential uses.
- 2) Nonprofit counseling facilities and services.
- 3) Day care centers with unlimited capacity subject to the requirements of Section 36.1-510 et seq.

- 4) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
- 5) Clubs, lodges and fraternal organizations.
- 6) Post offices.
- 7) Indoor recreational uses including bowling alleys, indoor tennis courts, squash courts, fitness centers and other similar uses.
- 8) Theaters with unlimited seating capacity.
- 9) Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses.
- 10) General and professional offices including financial institutions.
- 11) Medical clinics.
- 12) Medical offices.
- 13) General service establishments, except that general service establishments primarily engaged in the repair or maintenance of motor vehicles shall not be permitted.
- 14) Funeral homes.
- 15) Restaurants.
- 16) Hotels, motels, and inns.

- 17) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
- 18) Food stores with unlimited gross floor area.
- 19) Neighborhood and highway convenience stores, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:
 - a. Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches;
 - b. There shall be no illumination of any portion of the fascia of the canopy;
 - c. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site;
 - d. The vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and
 - e. Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

- 20) Auto accessory sales with related installation.
- 21) Automobile cleaning facilities.
- 22) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed fifty (50) percent of the gross floor area of the retail use.
- 23) Veterinary clinics with no outside corrals or pens.
- 24) Kennels with no outside pens or "runs."
- 25) Plant nurseries and greenhouses including those with retail sales.
- 26) Commercial printing establishments which print newspapers, publications, and other materials.
- 27) Personal service establishments.
- 28) Business service establishments.

Special Exception Uses:

- 1) Fast food restaurants, so long as a special exception is granted.
- 2) Establishments engaged in the retail sale of building supplies where all or a portion of related storage and display activities are not wholly enclosed in a building, provided the outdoor storage or display area accessory to a building and has a maximum area no greater than ten (10) percent of the gross floor area of the building, so long as a special exception is granted.

- 3) Mini-warehouses provided that the total gross floor area of storage buildings shall not exceed twelve thousand (12,000) square feet, so long as a special exception is granted.
 - 4) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that and so long as a special exception is granted:
 - a. The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.
 - b. The use is located on a major arterial road or highway.
 - 5) Manufacturing, assembly, mixing, processing or other processes which are accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use and where no more than five (5) people are involved in such processes on the premises, so long as a special exception is granted.
 - 6) Medical laboratories, so long as a special exception is granted.
2. That the first use to be developed on the property shall be a restaurant.
 3. That there shall be no more than one (1) curb cut on Orange Avenue serving the property.
 4. That there shall be no more than two (2) freestanding signs serving the property.

5. That the storm water detention facility for the property shall be located underground.
6. That a minimum of one (1) tree shall be planted for every six (6) parking spaces located on that portion of the property being developed for a restaurant. Said trees shall be located in the interior and perimeter of the parking lot. At least fifty percent (50%) of said trees shall be a minimum of two and one half (2 ½) inches caliper in diameter at the time of planting.
7. That no more than twenty five percent (25%) of the number of parking spaces on the property shall be located between the face of any building and Orange Avenue.

Mr. Townsend advised that proffers contained in the Sixth Amended Petition provide appropriate limitations on future use, given the location of the site at a significant corridor gateway into the City; in addition, the amended petition contains proffers that also address limitations to vehicular access to the site and to on-site freestanding signage which are consistent with *Vision 2001-2020* development policies; proffers relating to underground storm water detention, provision of parking lot landscaping, and a limitation on the amount of on-site parking to be located between the public right-of-way and buildings on the site provide parameters on future development of the site in a manner that appropriately addresses policies contained in the Comprehensive Plan; therefore, given the additional proffers contained in the Sixth Amended Petition, staff recommends that Council approve the rezoning, subject to certain conditions proffered by the petitioner.

Mr. Fitzpatrick offered the following ordinance:

(#36712-060704) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 711, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68, Page 499.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36712-060704. The motion was seconded by Mr. Dowe.

Maryellen F. Goodlatte, Attorney, representing Fudds of S. W. VA., Inc., advised that her client concurs in the proffers and appreciates the opportunity to work with City staff on compromise proffers.

Ordinance No. 36712-060704 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:
NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

WATER RESOURCES-UTILITIES-WESTERN VIRGINIA LAND TRUST-ENVIRONMENTAL POLICY: Council Member Cutler commended the City's Utility Department, specifically Michael McEvoy, Director, and Carol Davit, Environmental Communications Coordinator, for their roles in connection with a publication by the Western Virginia Land Trust entitled, *Saving Your Land and Water, Carvins Cove Watershed and Catawba Valley*, which was sent to all residents of the Carvins Cove and Catawba Valley areas.

HEARING OF CITIZENS UPON PUBLIC MATTERS:

The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS: Mr. Robert Gravely, 729 Loudon Avenue, N. W., expressed concern with regard to low wages paid to City employees, racism in the City of Roanoke, lack of affordable housing, and funds expended by the City toward economic development in downtown Roanoke.

CITY MANAGER COMMENTS:

CITY MANAGER: The City Manager called attention to a photo contest for the 2005 City of Roanoke Municipal Calendar and encouraged citizens to participate by submitting photographs of people, places and activities within the community that demonstrate the livability of the City of Roanoke. She advised that photographs will be accepted between June 1 and August 1, and 13 photographs will be selected.

DECEASED PERSONS: The Mayor advised that Mr. E. Duane Howard, 508 Walnut Avenue, S. W., has placed a memorial book at the Main Roanoke Public Library for citizens to sign in memory of former President Ronald L. Reagan who passed away on Saturday, June 5, 2004, and the memorial book will be forwarded to the Reagan family at a later date.

At 2:55 p.m., the Mayor declared the meeting in recess for two briefings to be followed by one Closed Session which was previously approved by Council.

The Council Meeting reconvened at 3:05 p.m., in the Council's Conference Room, with all Members of the Council in attendance, except Council Member Wyatt and Vice-Mayor Harris, Mayor Smith presiding..

ZONING: Nancy Snodgrass, Acting Zoning Administrator, presented a zoning ordinance update. She advised that:

- The public discussion phase of the proposed zoning ordinance has been completed, and approximately 1,100 comments are listed on a spreadsheet prepared by City staff.
- The Steering Committee will reconvene and meet throughout the months of June and July; and it is anticipated that the Steering Committee's work will be completed by August 30.

- Staff will review the spreadsheet of citizen comments and provide the Steering Committee with responses and recommendations.
- A total of 11 focus groups were facilitated, and seven open houses were held, including one at Valley View Mall on Citizens Appreciation Day in April.
- Every effort was made to engage people in dialogue and toward the end of the process, concerns were raised by some persons that the business community was not involved, therefore, an additional focus group was appointed based on recommendations from the Roanoke Valley Chamber of Commerce.
- Meetings have been scheduled at the request of various neighborhood groups, and meetings have been held with representatives of Old Southwest, Inc., Neighbors in South Roanoke, the Gainsboro Steering Committee, a meeting is scheduled in July with the Gilmer neighborhood; and meetings were held on two occasions with the Executive Committee of Downtown Roanoke, Inc., to discuss specific concerns.
- The meeting schedule of the Steering Committee is posted on the City's website.

From a builder's/developer's perspective, the Mayor expressed concern with regard to over regulation of zoning/construction in the City of Roanoke.

BONDS/BOND ISSUES:

Bond Refinancing Update:

The Director of Finance called attention to the last bond refunding in February, 2004 in which the City refunded approximately \$43 million of the 1996 and 1999 bond series, which resulted in a savings over future years as the bonds are paid off of approximately \$1.8 million. He advised that:

- When bonds are refunded, proceeds are taken from the new issue and placed in an escrow account in order to purchase state and local government securities, or treasury bills, which are designed specifically for bond refunding for state and local governments where they are issued to match maturities of state and local government securities, also known as SLGS.
- The Bureau of Debt will allow localities to take such actions if they accept the maturity dates of the SLGS to match maturity dates of bonds to be paid off which the City purchased in February at the then market/interest yield.
- The City's bond underwriter developed a program to monitor the changing yields on SLGS; by working with the bond underwriter, the bond attorney, the City's financial advisor, the City Attorney, and the Assistant City Manager, an agreement was entered into to redeem the original issue of SLGS and the City realized approximately \$764,000.00.
- Because the \$764,000.00 of savings is related to bonds, under the Virginia Public Finance Act, it is considered to be new money that citizens have not voted on, or have not been subject to authorization by the local governing body, similar to the issuance of debt.
- A portion of the money can be spent following a public hearing by appropriating the funds to a capital improvement; and in the case of the City of Roanoke, \$470,000.00 of the \$764,000.00 can be appropriated and applied toward capital improvements, with the remainder of \$294,000.00 required to be used to pay outstanding principal and interest amounts on the refunding bonds.
- The bonds that were issued in February 2004 have a principal payment due in fiscal year 2005 of \$195,000.00.

- A public hearing has been advertised for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the remainder of the upcoming bond issue project, or those projects that have not been authorized by Council to date, which includes \$470,000.00 for a capital equipment project.

The Director of Finance and the City Manager advised that following the public hearing on Monday, June 21, 2004, it is recommended that \$470,000.00 be applied toward purchase of the City's new financial system and \$197,000.00 is recommended to fund debt repayment in fiscal year 2005, which is included in the City's fiscal year 2005 budget, leaving \$97,000.00 to recover in fiscal year 2006 for debt repayment from the refunding bonds.

Question was raised as to the amount of savings realized by the City as a result of bond refinancing over the past several years; whereupon, the Director of Finance advised that he did not have the exact figure at hand, but the City paid off a garage that had a high interest rate, the HUD loan was refinanced, and three bond refinancings have been done within the last approximately ten months.

There was discussion in regard to the length of time before bonds can be called without penalty; whereupon, Mr. Hall responded that there is typically a ten year call provision which is not legally required, but is a marketability issue; the City has financial advisors all over the state who watch the City's bonds, run calculations and offer to serve as the underwriter to reissue or refund bonds; and last year alone the City had at least five different financial advisors.

At 3:20 p.m., the Mayor declared the Council meeting in recess for one Closed Session.

At 3:40 p.m., the Council meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Member Wyatt and Vice-Mayor Harris.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor
Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

There being no further business, the Mayor declared the meeting
adjourned at 3:42 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
